

#23
8/23/02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Hankejh, et al. Examiner: Vu, V.
Serial No.: 09/326,258 Group Art Unit: 2154
Filing Date: 06/04/1999 Attorney Docket No.: SESSIO.P01
Title of Invention: Real Time Internet Communications System

Seattle, Washington 98109
August 23, 2002

Via Facsimile: 703-746-7240
BOX RCE
TO THE COMMISSIONER FOR PATENTS
Washington, D.C. 20231

**PRELIMINARY AMENDMENT/REPLY
AS REQUIRED SUBMISSION
Under 37 CFR 1.114**

Applicant acknowledges receipt of a Final Action dated 07/30/02. Applicant responds to the Examiner's concerns as follows:

REMARKS

Claims 1-3 are pending in the application; Claims 1-3 stand rejected.

The Examiner maintains his rejection of Claims 1-3 over the England reference under section 102e. Applicant respectfully maintains his traverse as having invented the subject matter of the claims before the date of the England reference. Applicant previously submitted the Rule 131 Declaration of Damion Hankejh to overcome England as a 102e reference; the Examiner regards the declaration now on file as "ineffective" and "insufficient". Applicant traverses the alleged deficiencies of the Hankejh declaration.

A conception date is clearly set out in the declaration, and the subject matter of the claims is set forth as having been conceived - this is much more than "a vague idea of how to solve the problem". The requisite claimed means and its interaction amongst its parts is clearly comprehended. Applicant submits that the standard of review for such a declaration is the scope and content of the claims themselves. For broad pioneer claims such as are here presented, the requisite means and interactions are all clearly set forth. Declaration evidence, sworn testimony